ESTTA Tracking number:

ESTTA786809 12/03/2016

Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91230502
Party	Defendant LG Electronics Inc.
Correspondence Address	ROBERT J. KENNEY BIRCH, STEWART, KOLASCH & BIRCH, LLP PO BOX 747 FALLS CHURCH, VA 22040-0747 msmith@bskb.com, rjk@bskb.com, mailroom@bskb.com
Submission	Other Motions/Papers
Filer's Name	Michael T. Smith
Filer's e-mail	mailroom@bskb.com, rjk@bskb.com, msmith@bskb.com, john.coutavas@bskb.com, trademarks@thrasherworth.com, dschwind@thrasherworth.com
Signature	/Michael T. Smith/
Date	12/03/2016
Attachments	2016-12-03 FINAL Consent Motion to Amend Applications and to Withdraw Oppositions.pdf(37914 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

The Big Green Egg, Inc,

Opposer,

v.

LG Electronics, Inc.,

Applicant.

Opposition No.: 91230394

Application Ser. No.: 86/255319

Mark: EGG PLATE

Oposition No.: 91230502

Application Ser. No.: 86/255315

Mark: EGG SHAKING

CONSENT MOTION TO AMEND APPLICATIONS AND CONTINGENT WITHDRAWAL OF OPPOSITIONS

Applicant, LG Electronics, Inc., through its undersigned counsel, and with the consent of Opposer, The Big Green Egg, Inc., hereby moves the Trademark Trial and Appeal Board (TTAB) to amend the identification of goods and services in the trademark applications that are the subject of the above-captioned Oppositions as follows (deletions shown in strikethrough):

<u>Class 11</u>: [Deleted in its entirety]

<u>Class 38</u>: [Deleted in its entirety]

<u>Class 42</u>: Backup and recovery services of electronically-stored data uploaded on the internet; Rental of web servers for sharing electronically-stored data; cloud computing services, namely, providing software allowing users to upload and download electronic files via the Internet; Providing web hard services; <u>Providing temporary use of a web-based application software for sharing photograph/video/audio/electronically-stored data; Creating and maintaining community site on the Internet for others</u>

The goods remaining in the application are acceptable as written and are not to be amended. As the above proposed amendments are limiting, Applicant respectfully submits that the amendments are proper.

Opposition Nos.: 91230394, 91230502

Upon entry of the amendments to the identification of goods and services, Opposer, The Big Green Egg, Inc., with the consent of Applicant, withdraws the Oppositions without prejudice.

Jointly Consented to by Undersigned Counsel:

_/Michael T. Smith/_____

Robert J. Kenney Michael T. Smith Birch, Stewart, Kolasch & Birch, LLP PO Box 747 Falls Church, VA 22040-0747 (703) 205-8000 rjk@bskb.com, msmith@bskb.com, mailroom@bskb.com Attorneys for Applicant _/Dana Schwind/_____

Dana Schwind Thrasher Worth LLC Five Concourse Parkway, Suite 3200 Atlanta, GA 30328 (404) 760-6013 trademarks@thrasherworth.com Attorneys for Opposer

Dated: December 3, 2016 Dated: December 3, 2016

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of December, 2016, a copy of the foregoing "Consent Motion to Amend Applications and Contingent Withdrawal of Oppositions" was served upon counsel of record by email, pursuant to their agreement for service by electronic means, as follows:

Dana Schwind Thrasher Worth LLC trademarks@thrasherworth.com

Robert J. Kenney Michael T. Smith Birch, Stewart, Kolasch & Birch LLP rjk@bksb.com; msmith@bskb.com; mailroom@bskb.com

/Michael T. Smith/
Michael T. Smith
BIRCH, STEWART, KOLASCH & BIRCH
P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000